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HEARING BEFORE SPEAKER BAN STUDY COMMISSION

State Legislative Building
Raleigh, North Carolina
Wednesday, September 8, 1965, 10 a.m.

Statements by the
Administrative Officers of The University of North Carolina



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Mr. Chairman, Mrs. Swindell, Gentlemen of the Commission:

It was with a sense of confidence that my University associates and I witnessed the action of the Governor and General Assembly to create "a Commission to Study the Statutes Relating to Visiting Speakers at State-Supported Institutions." We are pleased that this legislation is to be given a thorough and impartial study. We welcome the opportunity to present our views to the Commission. This we will do in a spirit of complete cooperation and with assurance of our understanding of the complexities of the matter that is before you.

In the letter of invitation dated August 13 from Chairman Britt, we were asked to answer two specific questions:

- (1) "Has the Speaker Ban Law injured your institution, or will it probably injure your institution?"
- (2) "If so, why?"

We believe the Law has injured State-supported higher education in North Carolina and will continue to do so if left in its present form. The University recognizes the responsibility of making clear to the people of the State why we believe this to be true, and we will do so this morning.



In answering these questions, ^I do not plan to discuss the accreditation of the University or its relationships to educational organizations such as the AAUP. These are matters of great importance to us but they have been presented by others and we shall use our time to discuss what we believe the real issue to be, and it is this: Will the University and the State-supported colleges be allowed to pursue higher education with the freedom they have traditionally enjoyed? We respectfully request the repeal or amendment of the Law to accomplish this objective.

I think it important to emphasize here that universities are useful and effective only if they are free from unnecessary political control. They manage their academic affairs subject to general policies that are formulated by faculties and the administration; reviewed, discussed and approved by a board of trustees. To meet their responsibilities as scholars and teachers, they must live and work in an atmosphere of intellectual freedom that permits them to chart the scope and direction of their professional activities. As soon as there are limitations as to the kind of instruction given or to the expression of faculty views on controversial matters or the imposition of regulations that restrict the range of inquiry within the institution, the university loses the very qualities that make it useful and important to the society that gives it support.



I have made these statements because, Mr. Chairman, I want to be clear on their relationship to another point about which I wish to be equally clear: The University is opposed to the international Communist conspiracy and it is our conviction that the most effective way we can combat Communism and all other forms of government that suppress freedom and liberty is by being a strong and free institution. It is only by upholding this ideal that we can offer an ultimately effective answer to totalitarianism and tyranny.

There is no question that all witnesses who appear before this Commission are opposed to Communism and all other forms of subversive activity. Our disagreement, then, is based on the method by which this opposition is to be expressed. Political systems based on the suppression of liberty and free expression cannot tolerate free and open debate. It is equally clear that the sound democratic principle of freedom of speech and inquiry, when exercised responsibly and under the law, strengthens our democracy.

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Mr. Chairman, there are several statements which I should like to make on behalf of the Chancellors and myself to provide you with the essential background data and information that will make clear the University's position on this matter. In doing so, let it be clear that we do not question the sincerity or purpose of any legislator or speaker who has appeared before you.



The University of North Carolina exists primarily to serve the interest of the people of North Carolina, their institutions of government, their agencies of cultural and economic advancement and their moral elevation. But it has an important place in the educational program of this country and is making a substantial contribution toward enlarging man's understanding of the world in which he lives. The University is an agency of the State. It was created by the State, receives funds from the State, and operates under a legal charter and through a Board of Trustees elected by the General Assembly.

The University does not question the authority of the General Assembly to legislate as it deems necessary in the interest of the State. The University fully respects the role and function of the General Assembly.

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May I speak now to University policies that relate to the issue before us. The University, with other free institutions the world over, has an honored tradition of freedom of thought and expression that has endured for centuries. We are answerable to this essential standard of intellectual freedom. The University is opposed to any political system, including Communism, that does not permit impartial scholarly study and the freedom of the mind to seek the truth wherever it is to be found.



Those of us who are entrusted with the administration of the University will not knowingly employ as a teacher or research investigator any person, who, because of membership in the Communist Party or who because of any other commitment of mind is not free to serve the University standard of unbiased search for truth. This has been, and is now the policy of this University and its Board of Trustees.

In safeguarding intellectual freedoms from destructive influences, either from within or without, the University is vigilant. We spare no means of prudence to insure that it will not be undermined. There is not to my knowledge any member of the Communist Party on the faculty or staff of any campus of the University of North Carolina. If there be anyone here or elsewhere possessing contrary facts, I invite him to make them known publicly.

Two other things need to be said here: (1) Since 1941, it has been unlawful in North Carolina for any public building in the State or any building owned by any institution receiving funds from the State to be used by any person for the purpose of advocating, advising, or teaching a doctrine that the Government of the United States, the State of North Carolina or any political subdivision thereof should be overthrown by force, violence, or any other unlawful means. I trust it is unnecessary for me to repeat that the University has faithfully respected this Law and all other statutes dealing with this area of activity.



(2) The University, as its president is sworn to do by his oath of office, abides by all laws of the State. Every member of the faculty and every person who is regularly employed by the University and who is a citizen of the United States is required, as a condition of appointment to swear (or affirm) that he will support the Constitution of the United States and further swear (or affirm) that he will bear true allegiance to the State and support, maintain and defend its Constitution.

I have made these statements before in civic club talks in Raleigh in November of 1964 and in Greensboro in March of this year; and I have repeated these statements here to make clear to the Commission that the University does oppose totalitarianism in every form; that it will not knowingly employ Communist Party members as faculty or staff members; that to our knowledge no such person is presently employed; and to my knowledge to this hour no one has accepted my invitation of public identification to contradict this statement. The University exercises reasonable and responsible vigilance in all matters of national security and cooperates fully with all security requirements and laws and agencies of the State and national governments. The members of the faculty of the University are honorable people who have affirmed their allegiance to the Constitution of the United States and the State of North Carolina. These policies have been fully reviewed with the appropriate committees of the Board of Trustees of the University.

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In confronting the problem of visiting speakers, what are some of the considerations or factors we face?

First, the laws of the State relating to the appearance of speakers and the use of facilities on the campus for speaking purposes are obeyed. We have complied in all aspects with the requirements of the 1941 Law to which I referred earlier and, of course, to the 1963 statute.

Second, only officially recognized student organizations may use campus facilities to present speakers invited by them to the campus.

Third, in consultations with the University and with the Special Committee of the Board of Trustees aimed at securing remedy of the legislative restriction on speakers, agreement has been reached on proposed internal regulations to be recommended for adoption by the Board of Trustees following removal by the General Assembly of the restriction. The language of the proposed regulations is as follows:

"As a further precaution and to assure free and open discussion as essential to the safeguarding of free institutions, each Chancellor, when he considers it appropriate, will require any or all of the following:

"(a) That a meeting be chaired by an officer of the University or a ranking member of the faculty;

"(b) That speakers at the meeting be subject to questions from the audience;



"(c) That the opportunity be provided at the meeting or later to present speakers of different points of view. "

Fourth, the appearance of speakers on a university campus does not imply approval or disapproval of them or their statements. A university cannot be assumed to sponsor or endorse the various opinions and points of view that are expressed within its bounds. Its purpose requires the examination and study of conflicting views and opinions. Freedom of the platform is not unlike freedom of the press. The latter idea has won wide acceptance and respect. Similarly, the university forum must be protected and respected under just laws fixing responsibility for acts and not for beliefs and opinions.

These policies have been discussed with the appropriate committees of the Board of Trustees. You will hear more about this later this morning in the presentation of the Trustees.

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Upon the enactment of the Visiting Speakers Law in June of 1963, the administration of the University issued a brief statement saying that at the next meeting of the Executive Committee of the Board of Trustees there would be discussion to determine the means of complying with the statute. The Executive Committee met on July 8, 1963, and approved a policy for compliance with the statute.



Prior to the meeting of the Board of Trustees in formal session on October 28, 1963, the great majority of the Trustees had been fully informed about the Law through six regional meetings of Trustees in six cities attended by sixty-eight (68) Trustees. On October 28, 1963, the Chancellors and I gave the Board a full report on the statute, submitted faculty resolutions on the Law, and gave examples of the injurious effect of the statute.

Following extensive discussion, the Board adopted the following resolution:

"WHEREAS, the 1963 North Carolina General Assembly enacted a statute 'to regulate visiting speakers at State supported colleges and universities'; and

"WHEREAS, the statute violates an essential principle of university existence to which The University of North Carolina has adhered steadfastly for more than a century and a half; and

"WHEREAS, the faculties and officials throughout the entire University are uncompromisingly opposed to the statute; and

"WHEREAS, the statute is detrimental to the standing of The University among institutions of higher learning, and adversely affects its ability to retain and continue to attract faculty members of excellence; and

"WHEREAS, the responsibility and authority for educational policy-making should remain vested in the Board of Trustees:



"NOW, THEREFORE, BE IT RESOLVED THAT:

"1. The Board of Trustees of the consolidated University of North Carolina deplores this legislation as a departure from the tradition of our State.

"2. The Chairman be directed to appoint a special committee of fifteen members of the Board of Trustees to determine and implement measures to remove this legislative impairment of intellectual freedom and preemption of the authority and prerogatives of the Board of Trustees. "

The committee was appointed by Governor Sanford on October 21, 1964, under the chairmanship of Mr. William Medford, former legislator and now Federal District Attorney.

On April 24, 1965, the Medford Committee communicated its report to the Chairman of the Board of Trustees, Governor Moore. Mr. Medford will comment later today on the recommendations contained in the Report of his Committee.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The report of the Special Trustee Committee was presented to the Executive Committee of the Board of Trustees on April 27, 1965, where it was approved unanimously. It was again presented to the full Board of Trustees at the meeting of May 24, 1965, where a motion that it be given full endorsement was adopted.

Mr. Chairman, I have recited the course of action respecting this matter to show that there has been complete and conscientious compliance with the Law by the University; that the Trustees of the University have acted responsibly and spent many hours on this problem; and that the consideration of the meaning of this Law for the University has been conducted according to regular established procedures of student government, faculty government, and the orderly processes of the Board of Trustees.

In the context of this demonstration of the orderly processes of University government, I am compelled to say that a disturbing question that is raised by the Law is the threat that it presents to the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

plan of governance of the University by a Board of Trustees elected by the General Assembly. Traditionally, the lay board has been the effective instrument of guiding institutions of higher education along the lines of objective regard for the public interest. They have also been the bulwark of educational institutions against unnecessary political control. Anything that weakens the governing board inevitably opens the way to further difficulties both from within and from without. One real concern we feel with the Speaker Bill is that this legislation does deprive the duly elected Trustees of their traditional and long-established authority to operate these State-supported institutions and that, by doing so, it is detrimental to the University in its relations, its standing, its functioning, and its future development. Furthermore, by choosing these means of regulation, we have established a practice that is contrary to the great and honored traditions of free and open discussion in North Carolina. We stand alone among the states of the Union in having such legislative regulation, and we know that Ohio, Florida, South Carolina, Georgia, New Hampshire, Virginia, and just two weeks ago--Alabama--have all considered and rejected similar legislation and left the control of their institutions to the trustees.

One other point to illustrate further the attention and diligence of the Board of Trustees in governing the University. The Trustees of the University of North Carolina for longer than the trustees of most institutions of higher education in the United States have accepted their

duty to declare a responsible policy of academic freedom. It has been an essential part of our tradition. As recently as 1959 they spoke on academic freedom and faculty responsibility in these words:

"1. Academic freedom is the right of a faculty member to be responsibly engaged in efforts to discover, speak, and teach the truth. It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, which would restrict him in the exercise of these freedoms in his area of scholarly interest.

"2. The University recognizes that in his role as citizen, as to matters outside the area of his scholarly interest, the faculty member has the right to enjoy the same freedoms as other citizens, without institutional censorship or discipline, though he should avoid abuse of these freedoms. He should recognize that accuracy, forthrightness, and dignity befit his association with the University and his position as a man of learning. He should not represent himself as a spokesman for the University."

Mr. Chairman, at the meeting of the Commission on August 12 in testimony supporting the need for the Visiting Speakers Law, statements were made about various persons who had spoken on one of the University's campuses or had been enrolled as students or in other ways associated with our institution. This testimony has been the cause of much concern on the part of the University. Indeed, it was stated that the University fostered "leftist" views.

I have, with the assistance of my associates in the University, examined as thoroughly as possible every allegation that was made at

the hearing of the Commission on August 12. In the interest of time, I shall not respond to each one here and now; but I wish to make it clear that I am prepared to respond to every single assertion with factual information about each and to do so here and now if the Commission desires that it be done. If allegations involving other individuals or events are made in later hearings, I shall appreciate the opportunity to present any information which we might develop which would be relevant to the allegations.

Taking only those instances of alleged or actual appearances of speakers on the campus by individuals named, the facts are as follows:

[REDACTED]

John Gates, Editor of The Daily Worker, [REDACTED]

did not speak on the campus. He spoke at a downtown location in [REDACTED] Chapel Hill in 1949.

[REDACTED]

After checking with the governmental agencies who are concerned with subversion and a check of available newspaper files, to the best of my knowledge and belief, Gus Hall has never appeared as a speaker on the campus of the University.

Clarence Hathaway, former Editor of The Daily Worker, appeared at Chapel Hill 28 years ago on March 30, 1937, under the auspices of the Human Relations Institute, a recognized University group.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Carl Braden did not speak on the campus of the University under a ruling taken pursuant to the 1963 statute. He spoke on May 17 of this year in a church in Chapel Hill.

Richard Crowder and Harold Reep spoke in Gerrard Hall in August of 1962.

Langston Hughes appeared on the campus at Chapel Hill on April 6, 1960. He was invited by graduate students in English.

Ann Braden spoke in Gardner Hall on October 26, 1961, sponsored by committees of the YMCA and the YWCA.

Milton Rosen spoke in Gerrard Hall on December 3, 1962.

Having acknowledged / which of these individuals did appear, the question that presents itself is whether there was in all of them one single instance of University neglect, or violation of the law, or propagating Communism, or fostering subversion, or deviating in any way from the course of a genuine and responsible university.

If it is charged that unpopular or controversial persons have been given an audience on our campuses, we can only say that it is true. If it is charged that this is inconsistent with the nature of a university, we would ask to be shown wherein and why. If it is said that we have knowingly violated the Law or by deliberate design fostered or propagated any ideology, we deny it.

Apart from a few visiting speakers from among the hundreds who have appeared annually on our campuses, attention was drawn to a few students who were in attendance over a period of two decades. I do not think it necessary or appropriate on my own motion, Mr. Chairman, to examine into the beliefs of the students or the duration of those beliefs. The question, again, is whether the University has been negligent or whether it has been irresponsible in its proper relationship to its vast body of students.

I think there is no person in this audience today who does not understand that any university composed of young, alert, vigorous, and growing minds must necessarily and properly harbor many different and disparate points of view that are in various stages of formation and development, points of view that represent at best the body of thought that shapes our national character. We hope that the tradition of dissent will never be absent from the University. It is this freedom to disagree, to encourage intellectual independence, to interpret facts and

ideas forthrightly without regard for what happens to be popular at the moment, that has been a major force in making this country what it is today. Periods of history marked by efforts to suppress dissent in universities are periods when the liberties of citizens are also placed in jeopardy. A distinguished American put it this way: "The civil liberties of citizens and the independence of communities of scholars have marched forward and retreated side by side."

In recent months there have been implications that suggest that the University is careless with the security of this nation and the effect has been to undermine in the minds of some citizens their justified trust in their University.

This has occurred at a time when, as never before, the strength and posture of the University are important to North Carolina, the nation, and to the free world.

We seize this fortunate opportunity to set the record straight for all to hear and to reach out to those who rightfully can trust this University to serve their interests.

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Mr. Chairman, I should like to ask Mr. Robert Spearman to join me. Mr. Spearman has just finished his term as President of the Student Body at Chapel Hill. He is a North Carolinian who graduated

from the University this spring. He was President of Phi Beta Kappa, holds many outstanding awards for his leadership, and later this month will be on his way to England for study at Oxford University as a Rhodes Scholar. By any measurement, Mr. Spearman is an able and highly competent young man.

Mr. Spearman, during the testimony given the Commission in August, it was suggested that students might feel that to pass their work and get good grades they might have to take a leftist tinge.

You were the elected representative of all the students. You know their views and thoughts. You passed your work. Do you believe students have to take a leftist tinge to pass and get good grades?

Mr. Spearman: (He has own statement and will distribute)

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Thank you, Mr. Spearman.

Several other points brought out in the previous testimony need to be mentioned here.

There were several references to resolutions passed by the Chapel Hill American Legion Post and the State Convention of the American Legion which called for a legislative investigation of certain activities at the University at Chapel Hill. From the record of your

hearings, I cite this specific statement:

"To this date, to my knowledge, the Board of Trustees had not acknowledged the resolution presented by the American Legion nor have they caused any inquiry to be made into its contents."

Upon hearing this statement, I caused search to be made of University files to determine whether the resolution referred to had ever been formally transmitted by an official of either the local Post or the State Headquarters of the American Legion to the former Chancellor, the President, or the Trustees of the University. So far, we have been unable to find any such communication. Furthermore, on August 19, I wrote [REDACTED]

asking for copies of any letters from authorized Legion officials to the University, and [REDACTED] *the day before yesterday Senator Morgan advised me by telephone that there had not been any such letters of transmittal received.*

I believe it very important to point out that the resolution referred to called for a legislative investigation and not for an investigation by the Board of Trustees of the University.

In the testimony offered you, there was a quotation from a speech made by Dr. Frank P. Graham at Boone, North Carolina on June 29, 1963. The quotation was as follows:

"A member of the Communist Party who is necessarily under the tyranny of the Party line and therefore automatically without freedom of mind has no valid place as a teacher in a free University."

From what I have already said, you know that the University not only agrees with this but has implemented this policy for a number of years. But I should like to point out, Mr. Chairman, that in this same speech and, indeed, in the same paragraph from which the quotation was taken, Dr. Graham had this to say:

"Responsible student organizations should have freedom to invite and to hear speakers of unpopular views, whether to the right, the left, or in the middle."

A statement issued by the Association of American Universities was also cited in the prior testimony with approval. This statement condemns Communism and adds: "Since present membership in the Communist Party requires the acceptance of these principles and methods, such membership extinguishes the right to a University position. Academic Freedom is not a shield for those who break the law."



This statement, like that of Dr. Graham's, is in complete accord with the University policy of not employing members of the Communist Party as faculty members in institutions of higher learning. I respectfully suggest that this is not involved under the terms of the Speaker Bill.

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I hope these comments have made it very clear that this is not a matter of being "for" or "against" Communism. I repeat, the University is opposed to all systems of government that suppress the liberties and freedoms of its people.

The University does have faculty members and students who hold and express unorthodox and unpopular views. It would not be a first-rate university if this were not true. But, surely, the time has not come in North Carolina when such expressions will not be tolerated. I have great faith in the people of this State and in their willingness to accord to any citizen the guarantees under the Constitution each of us claims for himself.

Finally, Mr. Chairman, after referring to a series of incidents in recent years at Chapel Hill, this statement was made to you on August 12:

"It was shortly after these incidents that the Legislature of North Carolina, weary of waiting for an indication or acknowledgment of that the problem complained of existed, enacted the present Law. "

Mr. Chairman, members of the Commission, the information I have given you on University policies concerning Communism, the safeguards we have established--this important information and more was available if we had only been given the opportunity to be heard before the Law was passed.

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Mr. Chairman, when I learned of your invitation to former Chancellor William B. Aycock to appear before this Commission, I suggested that he join us and use part of our allotted time since what he will have to say will, of course, relate to his experiences during the seven years he was Chancellor of the University at Chapel Hill.

Now a Professor of Law, William Aycock is widely known and respected in North Carolina. He is a native son. He was a rifle battalion commander, 87th Infantry Division, in three major engagements in Europe and was awarded the Silver Star, the Bronze Star, and the Legion of Merit. Teacher, scholar, author, administrator--these have been his services to North Carolina since he joined the Law faculty in 1948.

I am pleased to present Professor Aycock.

Statement of
Professor William B. Aycock
School of Law
University of North Carolina at Chapel Hill

Statement in Opposition to the Speaker Ban Law

Before the Speaker Ban Study Commission

September 8, 1965

by William B. Aycock, Member of the Faculty

University of North Carolina at Chapel Hill

My appearance is in the role of a member of the faculty of the University of North Carolina at Chapel Hill. I hope, however, you will permit me insofar as possible to remain accountable for decisions I made during the years I was privileged to serve the University in an administrative capacity.

Perhaps one born in Lucama and reared in Selma (the one in Eastern North Carolina) should not claim to be an R.F.D. teacher; but at most, Mr. Chairman, any distinction in my case is merely technical. I am aware that some of the proponents of the Speaker Ban Law do not look with favor on those persons, especially teachers, who express views in opposition to their own in respect to this law. So far as I know the decisions of Presidents, Governors, Congress or the Courts, both state and federal, have never been afforded the immunity from criticism which has been suggested for this law by those few persons who authored it and arranged for its passage. They freely extol the supposed benefits of this legislation but they object to having its harmful effects called to the attention of the citizens of North Carolina.

The most reassuring development to occur in this State since this law was passed on June 25, 1963 is the determination of this Commission to explore fully all aspects of the Speaker Ban Law. My purpose in appearing today is to discuss briefly three aspects of the law; namely, the question of need, the

difficulty of its enforcement, and the extent to which it dilutes a fundamental principle of freedom. In order to deal concretely and specifically with these matters it will be essential in several instances to use the names of certain persons.

You will recall that Mr. Robert Morgan, spokesman for the American Legion organization before this Commission, indicated that the Speaker Ban Law was passed by a General Assembly which was "weary" of waiting for the University to acknowledge that the problem complained of existed. Implicit in this assertion is that the General Assembly had made requests of University officials which had been ignored. This, of course, is not the case. Mr. Morgan was apparently referring to the charges which the American Legion requested the General Assembly to investigate. This is quite different from the General Assembly waiting for a response to inquiries which it never made. It might also be helpful to give a brief resume of the role of the American Legion in this matter of investigating the University.

On September 17, 1962 the Chapel Hill Post of the American Legion passed a resolution which I understand was written by Colonel Henry E. Royall who also appeared before this Commission. What did this resolution say? It called upon the General Assembly "to determine to what extent if any Marxism has permeated the University and to investigate for the purpose of remedial legislation, should the findings so warrant in order that freedom-loving North Carolina may

be saved from a possible academic Frankenstein of their own creation." A few days after this resolution was made public, the Associated Press inquired about my reaction to it. I responded on October 9, 1962. This public statement ended by saying "our inquiries indicate that there are no grounds to warrant an investigation." In short, I disagreed with the Chapel Hill Post of the American Legion on the need for a legislative investigation. The reason for disagreement is very simple. We knew the facts and we were willing to share them with anyone who desired them. The author of the resolution has known me for many years but he has never made any effort to discuss the subject of his resolution with me prior to or subsequent to its adoption. We had no intention that the freedom of the University would be destroyed by any person or group. We were constantly diligent and we made repeated inquiries on our own and our cooperation with the Federal Bureau of Investigation was full and continuous.

The next development in the matter of an investigation of the University occurred on June 22, 1963. On that date the state convention of the American Legion passed a resolution recommending that the General Assembly investigate the University along the lines previously suggested by the Chapel Hill Post in September, 1962. On the same date Legionnaire L. J. Phipps of Chapel Hill was elected State Commander. On June 25, 1963 just three days before the Speaker Ban Law was introduced and passed State Commander Phipps wrote to me:

"Dear Bill:

I am enclosing a copy of a statement which I have just released to the newspaper relative to the resolution which was adopted by the American Legion in Charlotte.

Personally, I was hoping that this resolution would note [sic] get to the floor of the convention and I thought it had been killed by the convention committee on Friday night, but someone was able to get it out of committee and on the floor of the convention.

I want to pledge to you and to President Friday my support at any time you need me during the next twelve months."

Commander Phipps' views on investigating the University were more fully revealed in the statement attached to his letter.

He said:

"Because of the militant stand which the American Legion has taken against Communism, I am informed by prior State Commanders of the American Legion that many suggestions will be made that certain persons or groups of persons are subversive and that the Federal Bureau of Investigation prefers to conduct its own investigation of such reports or rumors and as State Commander of the American Legion I will work closely with the Federal Bureau of Investigation in this field. Should any person on the campus of the University of North Carolina be involved, then I will also work closely with President Friday and Chancellor Aycock."

Commander Phipps concluded his statement:

"It is my opinion that there is not time enough for the introduction and consideration of a resolution carrying out the suggestions made by the Legion Convention in the present session of the State Legislature."

Thus you have the record. Three days before the Speaker Ban Law was passed the State Commander of the American Legion, a long time resident of Chapel Hill, did not think it was necessary for the State Convention to consider on the floor

the resolution submitted to it by the Chapel Hill Post. Further, on the same day the Speaker Ban Law was introduced and passed he thought the appropriate agency to investigate was the FBI. Finally, he did not think there was time enough for the General Assembly to consider whether or not it should undertake to investigate the University. On this matter of an investigation of the University suggested by the American Legion, it is clear that Commander Phipps and I were in agreement. Yet, Mr. Robert Morgan, spokesman for the Legion, now asserts that the General Assembly was "weary" of waiting for the University to acknowledge that the problem complained of existed.

My first knowledge of the Speaker Ban Law came to me over the telephone from my wife who happened to hear a report about it while listening to the radio. It was surprising to learn that a law affecting vitally the University would be passed without an opportunity for someone responsible for its administration to be heard. The surprising feature was not how quickly this law was passed but the lack of study of its provisions and the effects thereof on higher education.

I hasten to say, however, that it has always been my view that the University has a duty to obey all laws. Consequently, immediate steps were taken to comply with the Speaker Ban Law. Its proponents continue to assert that this law is a simple one to enforce. But to one charged with the responsibility of its enforcement it is extremely vague in almost every particular. It bristles with ambiguities.

Several of these ambiguities are already known to you. I shall, therefore, not dwell on this feature. Only one or two points will be made. Representative Phillip P. Godwin stated that no penalties were intended. It is not at all clear that it is a law without criminal sanctions. The Supreme Court of North Carolina has applied the common law rule that where a statute commands an act to be done or proscribes the commission of an act, and no penalty is expressly provided for its breach, its violation may be punished as for a misdemeanor. (State v. Bishop, 228 N.C. Reports 371.) Further, Chapter 14-230 of the General Statutes of North Carolina provides:

"If any . . . official of any of the State institutions . . . shall willfully omit, neglect, or refuse to discharge any of the duties of his office, for default whereof it is not elsewhere provided that he shall be indicted, he shall be guilty of a misdemeanor."

It does not disturb me that this law may have sanctions of a criminal nature even though such was not intended. Sanctions would enable those persons who assert violations to see that the alleged violator is brought to the bar of justice. Without sanctions an institution accused of a violation is helpless to defend itself against spurious charges.

Is this statute one in which persons of common intelligence know its meaning and agree as to its application or is it so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application? One test should suffice to illustrate what I have

in mind. What is meant by the provision in the Speaker Ban Law "facilities of such college or university for speaking purposes?" Channel Four, WUNC-TV, the television station of the University, is a facility. Is it a facility within the meaning of the Act? If so, is it legal to permit any of the proscribed speakers to say a single word on any subject on Channel Four? What about news programs? Would it make any difference if the speaker were in a studio on or off the campus or whether the program was live or taped? Would it be permissible to telecast words of the proscribed speakers over Channel Four so long as all sets on the campus were off? What about the Carolina Inn, a University-owned hotel on the campus? Can a University-owned television set in the lobby of the hotel show programs originating on a commercial station involving any speaker in the forbidden class? What is the answer? Who knows? Many such questions will arise so long as we have this law.

Obviously this law could be more precisely written in many ways but all the technical skill in draftsmanship which could be mustered cannot make wise a law which transgresses a fundamental principle of our great heritage. In discussing this fundamental principle I could quote such masters of freedom as John Stuart Mill, John Milton or Thomas Jefferson. Instead I have chosen to quote a well-known North Carolinian who on August 4, 1964 discussed his views on the subject of freedom. He did so in connection with the renewal of the licence of WRAL-TV by the Federal Communications Commission

after this agency for several months had investigated alleged violations of the so-called "Fairness Doctrine" by the station. I refer to the telecast of Mr. Jesse Helms on his program "Viewpoint." To avoid any misunderstanding of my purpose permit me to emphasize that I turn to Mr. Helms because I endorse his clear expressions on the subject of freedom.

I now quote from the August 4, 1964 telecast of Mr.

Helms:

"Broadcasters throughout the nation have long complained that the Fairness Doctrine is vague beyond comprehension, that it imposes obligations and responsibilities, and even that the FCC exceeded its authority in the adoption of a document which, as some of our newspaper friends now note, 'come close to an attempt at censorship.'"

Substitute "educators" for "broadcasters"--"Speaker Ban Law" for "Fairness Doctrine" and the "General Assembly for "FCC" and the result is an articulate statement of our viewpoint on the Speaker Ban Law.

I quote further from the August 4, 1964 telecast of Mr. Helms:

"But one thing is pointed up above all others--and that is the broad matter of governmental controls. In all candor, we see no more importance in protecting the freedom of broadcasters, or a newspaper, than we do in preserving the freedom of, say, a doctor, or the operator of a restaurant or factory or any other business. WHEN ONE IS DENIED ANY PART OF HIS RIGHTFUL FREEDOM, THEN EVERY MAN'S FREEDOM HAS BEEN LESSENER.
(Italics supplied.)

I agree with this statement. Further, I agree with it

when applied to the University. The University does not need any more freedom than WRAL-TV or the operator of a restaurant or a doctor or anyone else. So far as I am concerned the scope and extent of academic freedom is not anything special or different from those freedoms enjoyed by citizens in general. As a member of the faculty the freedom I need is exactly the same freedom of speech, freedom of the press, freedom of religion and other freedoms guaranteed to all citizens. There are, of course, limitations on the freedom of all citizens such as the laws of libel and slander. As a faculty member I do not need or desire exemption from those limitations on everyone's freedom. The Smith Act and its North Carolina counterpart, the Act of 1941, limits the freedom of any person to advocate the overthrow of government by force or violence. I approve of these laws. They apply to all persons whether on or off the campus. But what about the Speaker Ban Law? It is quite different from other limitations on freedom. It is different in that it is a special limitation on the freedom of the campus. Speakers forbidden on the campus are free to speak anywhere else in North Carolina. They can speak in this State Legislative Building or they may be heard and seen over the facilities of WRAL-TV. The Speaker Ban Law is a special dilution of campus freedom. And as Mr. Helm's says--"When one is denied any part of his rightful freedom, then every man's freedom has been lessened." Why restrict the Speaker Ban Law to college and university campuses?

The argument is made of course that these young people are at an impressionable age and need this protection. If so, why not protect them from hearing the forbidden speakers over all media including radio and television? Should those forbidden speakers on the campus be "dignified" by being allowed to use facilities licensed by an agency of the people of the United States? Another aspect of protecting our youth should not be overlooked. If college and university students need to be protected from the forbidden speakers, doesn't it follow that it is even more imperative to offer the same protection to our thousands of "functional illiterates" who can hear even though they cannot read?

Mr. Helms had more to say on the fundamental principle of freedom:

"In any event, we do think that, as a matter of precedent, it is important to consider the possibility that an element of control over one medium of communication today might well tomorrow lead to attempts to impose such controls on all media."

On October 22, 1963 The Faculty Council of the University of North Carolina expressed similar concern:

"Legislative censorship, once begun, carries an invidious threat of future proscriptions, and inevitably stirs fears in the minds of both faculty and students that expression of unpopular sentiments may produce reprisals against them."

The University has been criticized for not imposing its own censorship on speakers. To do this requires a censor. Suppose you had the job as censor. Now, further, suppose the students invited a speaker to the campus, a

person known by you as one who has asserted that the President of the United States "runs our socialist dictatorship with a mouthful of peace and a handful of war." Would you let him speak? Would you let him address "impressionable" college and university students? Would you suggest it would be a boost to the morale of the boys in Viet Nam for this person to tell them that already we have a socialistic dictatorship at home?

One other example. As campus censor you have in hand this statement:

"If the federal judiciary and the executive branch of our government take the law into their own hands, then they deserve no better than Charles the First and Archbishop Laud got; they had their heads cut off by a people who despised dictators."

These statements were not made by the forbidden speakers but rather by well known conservative North Carolinians. Should these persons be permitted to speak on the campus to college and university students? I would let them speak and I would also let those banned by the 1963 Law speak. I cannot think of a better way for a college or university student to learn that a Communist is not truthful than for him to listen to him talk and question him on what he said. The same is true of any speaker who makes extreme statements. In short, which is better--a practical education in communist deceit and exaggerated assertions or just a theoretical one? Those of us who teach can testify that college and university students are quick to react to any effort to deceive them.

I am glad that the American Legion continues to be alert to subversion. So is the University. We agree on the danger. Our disagreement is solely over the method of combating the evil. Some members of the American Legion think the Speaker Ban Law is an appropriate and useful way of combating subversion whereas I do not think so. Mr. Dudley Robbins, a former State Commander of the Legion, called to the attention of this Commission a pamphlet TEACHING ABOUT COMMUNISM (A publication of the joint committee of the National Education Association and the American Legion). The following statement on pages 4 and 5 of this pamphlet expresses my views quite well:

"The right to think as one wills, to speak as one thinks and the willingness to exercise these rights are requisite to the survival of free men in a free society. These rights are indispensable to the accomplishment of the purposes of education in the free society, wherein the only effective answer to evil counsel is the free exercise of good counsel. Unfortunately, however, there are those who would smother the free spirit of America under the guise of combating communism; they would stifle free discussion and the search for truth; they would deny dissent; they would impose patriotism by any means at their command; they would willingly use the means they most vociferously condemn when used by the communists."

As previously emphasized I agree with the principles of freedom enunciated so well by Mr. Jesse Helms. We disagree on the application of these principles. He applies these principles to all--but with one notable exception--institutions of higher learning. He favors the Speaker Ban Law. I oppose it. I want his principles to be applied uniformly. I do not want an exception made for institutions of higher learning

supported by public funds. I want the same freedom in my work that he wants in his work. Finally, Mr. Helms reminds us that "freedom of the press is a freedom that will not necessarily endure forever unless a fight is made to preserve it." And so it is with all freedoms.

The time has come to appraise realistically some of the assertions made by the proponents of the Speaker Ban Law. First, they contend their objective is to protect college and university students from subversive influences which might result from an appearance on the campus by the forbidden speakers. Yet, they hasten to say that the freedom of the institution has not really been taken away because the speakers can be heard anywhere but on the campuses. On the other hand, there are repeated assertions that the purpose of the law is to relieve the taxpayers of providing a public facility for the forbidden speakers. But this is of course true only in a very limited sense inasmuch as all public facilities are available to the forbidden speakers except those on the campuses of state supported institutions. If the purpose of the law is to fight communism and subversion, it is at most, a feeble gesture. Those who favor this law ought to insist that it be extended to apply throughout the state and to all media. In short, make the prohibition a general one throughout the state rather than a special one for institutions of higher learning. Otherwise, the proponents are really taking a strange position, i.e., freedom is adequate to combat the evil influences of the

forbidden speakers everywhere but in the citadels of freedom. Of course, the same objections would apply to an expanded law as apply to the current one. But two purposes would be served--the proponents of this legislation would have a law which is broad enough to express their views in a meaningful way--and the voice of the people would become loud and clear in opposition to a law which so vitally infringes on the freedom of all North Carolinians.

Another alternative is to take seriously the advice of Mr. J. Edgar Hoover:

" . . . we must be absolutely certain that our fight is waged with full regard for the historic liberties of this great nation. This is the fundamental premise of any attack against communism. (Hoover, MASTERS OF DECEIT, p. 312. Emphasis--the author's.)

We can fight subversion without sacrificing a fundamental principle of our freedom for what is, in reality, false security. North Carolina has come a long way short on cash but long on freedom. The Speaker Ban Law is a mistake. On previous occasions, I have said that this law was passed by friends, not enemies of the University. It was motivated by love in an endeavor to protect students in state institutions from communism. But this love is overly protective. It is a mighty blow against freedom. It will take much time and great effort to upgrade the economic status of our people, but little effort and no money will be required to restore to North Carolina its high place among those people in the world who believe in freedom. In keeping with the highest traditions of this State this law should be

acknowledged to be a mistake. This mistake should be corrected by outright repeal as soon as possible.

"The News Observer" August 22, 1965

Eure Wants Tar Heel Accreditation Group

Secretary of State Thad Eure said Saturday that North Carolina should form its own accreditation association to eliminate the accreditation threat now facing State schools.

Eure, addressing the first national convention of the Federation of All Veterans, termed the Southern Association of Schools and Colleges a "monster" and denounced teachers for their criticism of the speaker ban legislation.

Eure, who claims to be the author of the speaker ban law, was applauded by members of the newly formed veterans organization.

THE AMERICAN LEGION RESOLVES

WHEREAS, Today, September 17, 1962 is the 175th anniversary of the drafting of the Constitution of the United States of America the most remarkable political document in recorded history imitated by constitutional writers in many countries but never with the success of the model which had an empirical background of free men accustomed to freedom of choice; and

WHEREAS, This Constitution drawn up by inspired men is now in mortal danger from Godless-Communism, the great scourge of mankind; and

WHEREAS, This International Conspiracy—Communism—whether it be called Marxism, Marxist-Leninism, Stalinism or by any other name as long as it was conceived in the pathological, hate-embittered brain of atheist Karl Marx, is a dire threat to our Constitutional Republic under God; and

WHEREAS, The First Amendment to the Constitution of the United States was never intended to protect those who aid a conspiracy that turns academic freedom into academic license, that destroys freedom of speech and of the press and the free exercise of religion; and

WHEREAS, The United States House of Representatives Committee on Un-American Activities defines a "fellow traveler" as "someone who follows the Communist party line without actually carrying a membership card," and defines a "front organization" as "any group that knowingly works for Communist aims or supports Communist propaganda"; and

WHEREAS, Dr. Harry Gideonse, president of Brooklyn College, in reference to the Communist Party's tactics on the campus and their meddling in student activities says: "Perhaps the most effective tactic they employ, however, is their practice of espousing popular causes and protesting militantly against anything which they can make appear as unfair practice, exploitation or discrimination"; and

WHEREAS, The following facts pertain to recent student activities at tax supported University of North Carolina (see *Chapel Hill Weekly*, August 15, 1962).

On July 30, 1962 an organization called the "Chapel Hill Progressive Labor Club" was formed at the University. Students Dennis King and David Bland, announced leaders in the club, said that it is part of a National Council of Marxist groups organized around the magazine *Progressive Labor* published in New York; that the local group was attempting to organize a truly revolutionary national party based on improving the condition of workers along "Socialist and Marxist-Leninist lines"; that tentative plans have been drawn for the formation of "Workers Councils"; that the club originally planned to work only with students but "has now decided to act in integration efforts and labor unions throughout the State."

King and Bland are leaders of the Chapel Hill Chapter of "The Monroe Committee for the Defendants." The "Defendants", all Negroes, are

charged with kidnapping a white couple in Monroe, North Carolina, August 27, 1961. Three of the "Defendants" are Robert Williams, Richard Crowder and Harold Reap. Robert Williams former NAACP head in Monroe is now with Communist Castro in Cuba. Crowder and Reap, both supporters of Williams, are now out of jail on bail set at \$7,500 and \$3,500 respectively.

Members of King's and Bland's Progressive Labor Club went to Monroe and invited Crowder and Reap to the University of North Carolina campus.

On Tuesday, August 14, 1962 Richard Crowder and Harold Reap spoke in Cerrard Hall on the UNC campus openly seeking support for planned demonstrations at the coming kidnap trial. This scheduled meeting was announced in THE UNC NEWS August 9, 1962. Prior to the announcement permission had to be secured for the use of Cerrard Hall. There was ample time for the University authorities to object had they so desired.

WHEREAS, In the past the campus activities of Hans Freistadt and his Marxist Club and of Communist Junius Scales were not promptly disavowed by the University of North Carolina thereby encouraging adverse notoriety for our University, and

WHEREAS, At present the continuance of such notoriety seems justified when students Dennis King and David Bland are not disciplined and Richard Crowder and Harold Reap associates and supporters of Castroite Robert Williams are allowed the use of Gerrard Hall on the University campus, and

WHEREAS, The University trustees, the University Administration and Faculty have not succeeded in removing the causes for the appellation "Red Nest" often applied to our University, and

WHEREAS, The American Legion Post No. 6, located at Chapel Hill the home of the University of North Carolina, ever a friend of our University and anxious that its reputation be unsullied do make the following resolution and recommendation:

RESOLVED, That the American Legion Post No. 6 condemn the so-called Progressive Labor Club at the University of North Carolina because we believe this club is furthering the Communist cause.

RECOMMENDATION: We recommend that the State Legislature investigate the University of North Carolina to determine to what extent if any Marxism has permeated the University and to investigate for the purpose of remedial legislation, should the findings so warrant, in order that freedom loving North Carolina may be saved from a possible academic Frankenstein of their own creation.

WE ALSO RECOMMEND, In order that the investigation be as objective as possible, that no member of the University Board of Trustees, Administration or Faculty be placed on any committee charged with the investigation.

Statement by Chancellor William B. Aycock, in reply to request
by the Associated Press. October 9, 1962

We have no evidence that there is a Communist cell on the campus. We have no evidence that any student in the University is a Communist.

It is official University policy with regard to student extra-curricular organizations that the student organizations must be officially recognized by the University before they can use University facilities and buildings or otherwise be associated as University affiliated agencies. A few students have indicated that they have some affiliation with the so-called Progressive Labor movement; however, it is quite clear there is no University-recognized student organization known as a Progressive Labor Club. Moreover, the University has not received a request for recognition of such a group.

Last year there was a discussion group known as the New Left which held open meetings. This group was recognized as a properly-constituted student group. It was disbanded voluntarily by its leaders sometime in the late Spring.

Efforts are being made at this time by several students to revive this study group.

Our inquiries indicate that there are no grounds to warrant an investigation.

PHIPPS & PEELE
ATTORNEYS
CHAPEL HILL, NORTH CAROLINA

June 25, 1963

TELEPHONE 942-4171
P. O. Box 838

Chancellor William R. Aycock
University of North Carolina
Chapel Hill, North Carolina

Dear Bill:

I am enclosing copy of a statement which I have just released to the newspaper relative to the resolution which was adopted by the American Legion in Charlotte.

Personally, I was hoping that this resolution would note get to the floor of the convention and I thought it had been killed by the convention committee on Friday night, but someone was able to get it out of committee and on the floor of the convention.

I want to pledge to you and to President Friday my support at any time you need me during the next twelve months.

Yours very truly,

PHIPPS & PEELE

L. J. Phipps
L. J. Phipps
LJP

LJP:alo

Enclosure 1

In connection with the two resolutions dealing with Communism recently adopted by the North Carolina Department of the American Legion at its convention in Charlotte, may I say that the American Legion has always been a witness for a strong preparedness and defense program against any and all enemies of the United States, whether military or subversive.

The National Convention of the American Legion of last October adopted a strong resolution against Castro and his communist regime in Cuba and called upon the federal government to use every means available to stamp out Communism in Cuba and in any other country in the Western Hemisphere.

The State Convention adopted a resolution submitted by Raleigh Post #1 against the use of any state property by any communist, communist organization or any known communist front organization.

This convention also adopted a resolution which had originally been submitted by Col. Henry E. Royall to and adopted by Chapel Hill Post #6 last September.

This resolution asked for a Legislative investigation of certain activities by certain student groups on the campus of the University of North Carolina at Chapel Hill, which groups appeared to have been dominated by communists.

Both President Friday and Chancellor Aycock have

publicly stated that they have no knowledge of any communist cell, communist front organization or students who are members of the communist party on the campus of the University of North Carolina at Chapel Hill.

I am an alumnus of the University of North Carolina at Chapel Hill, a lifelong resident of this community and have and will continue to work for the best interests of the University of North Carolina.

Because of the militant stand which the American Legion has taken against Communism, I am informed by prior State Commanders of the American Legion that many suggestions will be made that certain persons or groups of persons are subversive and that the Federal Bureau of Investigation prefers to conduct its own investigation of such reports or rumors and as State Commander of the American Legion I will work closely with the Federal Bureau of Investigation in this field. Should any person on the campus of the University of North Carolina be involved, then I will also work closely with President Friday and Chancellor Aycock.

It is my opinion that there is not time enough for the introduction and consideration of a resolution carrying out the suggestions made by the Legion Convention in the present session of the State Legislature.

WRAL-TV VIEWPOINT

5

Raleigh, N. C.

An Editorial Expression of the Voice of Free Enterprise in Raleigh - Durham

Jesse Helms, Vice President, News, Public Affairs, Programming

We certainly are not in the slightest ungrateful, and we do not wish to appear so, that some of our newspaper friends are now concerned about the prolonged inquiry by the Federal Communications Commission into our television and radio editorializing. It would have been somewhat more comforting, perhaps, if these newspaper colleagues had pondered the implications of the inquiry during the eight months that we were saddled with the red tape and the expense and the torment of proving ourselves innocent, before an unseen jury, of vague charges made by accusers whom we were not permitted to face.

In any case, we are now receiving moral support from some of our newspaper friends, for which we are understandably grateful. Thankfully we can also reflect upon the fact that all along we had the forceful support of many thousands of viewers and listeners who spontaneously came to our aid and defense in our time of need. We view the whole matter now, in retrospect, as nothing short of remarkable and, as the president of this company last week observed, we will never be able to thank adequately those countless thousands who demonstrated their friendship and support for us and our efforts.

We do not propose to dwell at length upon the findings of the FCC in our own case. It will suffice, we think, to contemplate the FCC's unanimous conclusion that the public interest would be served by renewing the licenses of the stations which originate these editorials. As for the FCC's so-called "Fairness Doctrine", with which the FCC said we had not "fully" complied, there are--as some of our newspaper friends are now beginning to see--some legitimate doubts to be raised about that. Broadcasters throughout the nation have long complained that the Fairness Doctrine is vague beyond comprehension, that it imposes obligations and responsibilities, and even that the FCC exceeded its authority in the adoption of a document which, as some of our newspaper friends now note, "come close to an attempt at censorship."

This station's editorials are solely the responsibility of the owners and are voiced by our vice president, Mr. Jesse Helms, after an editorial board has agreed upon their contents.

A. J. Fletcher, President, Capitol Broadcasting Company
(Operators of WRAL-TV and WRAL-Radio, Raleigh, N. C.)

In our own case, we are inclined to think that we may have accomplished what we set out to do--that is, to encourage the FCC to be specific in its requirements of broadcasters. If we have correctly interpreted the statement issued by the FCC as it renewed our licenses, it has approved the procedures being followed by these stations in the presentation of editorials. Furthermore, it has described as "honest mistakes" those debatable instances in which the government agency suggests that we have not "fully" complied with its doctrine of fairness.

We shall leave to others, notably the public and its elected representatives in Congress, to decide the wisdom and propriety of a government agency presuming to decide what is fair and what is not in the distribution of information and opinion to the public. Fairness, like beauty, is in the eye of the beholder. In any event, we do think that, as a matter of precedent, it is important to consider the possibility that an element of control over one medium of communication today might well tomorrow lead to attempts to impose such controls on all media. 12/2

Obviously, constitutional protections are no longer guaranteed safeguards of freedom. One by one, we have seen many previously accepted freedoms whittled away by governmental action. Freedom of the press is a freedom that will not necessarily endure forever unless a fight is made to preserve it.

We do not propose to assign nobility to ourselves in reflecting upon the struggle which we have just experienced. In a way, it was a fight for personal survival. But, in another, it was a fight that we were willing to make for the industry of which we are a part. A guinea pig was needed, and we were willing to be it. We cannot say that we are dissatisfied with the results.

But one thing is pointed up above all others--and that is the broad matter of governmental controls. In all candor, we see no more importance in protecting the freedom of a broadcaster, or a newspaper, than we do in preserving the freedom of, say, a doctor, or the operator of a restaurant or factory or any other business. When one is denied any part of his rightful freedom, then every man's freedom has been lessened.

That has been the point of these editorials for a long time. And it will continue to be--for so long as we are permitted to continue them. For, as we have said so often, the miracle of America is the freedom of the individual.

NFC June 12, 1965

People's Forum

However, if we wait ten years, knowing Red China's irresponsibility, we ourselves could be destroyed. I look at it as a case where it's we destroy them or they destroy us. I have no doubt over which of these two I prefer.

CHARLES R. BREWER

Raleigh

GOLDBERG UNFROCKED

To the Editor: Will Rogers said all he knew was what he read in the papers. According to the papers our beloved President, Cousin Lendem Billions Nimrod Nebuchadnezzar Johnson has done it again.

He un-frocked Justice Goldberg in the rose garden of the White House and let him go to Gotham to represent us in further committing ambush on ourselves at the United Nations.

Cousin Lendem loves to play political Chinese checkers and it is interesting to see him jump every-

thing on the board. He runs our socialistic dictatorship with a mouth full of peace and a hand full of war. He is the most prolific political pied piper the Potomac has ever produced even including Cousin Franklin Deficit Roosevelt.

Sending Goldberg to Gotham makes a great big political gap to be filled in our consolidated three branches of the government, and a man will have to be selected who is well versed in the technique of constitutional conspiracy in the name of Health, Education and Welfare.

Chief Justice Warren and Cousin Lendem grieving and mourning together at the funeral of my friend Adlai Stevenson didn't look very good, and Goldberg may have produced a golden opportunity for something or other to happen which is too fraught with potentialities to be diagnosed with the analyticals. Call Your Next Case.

CHUB SEWALL

Carthage

WRAL-TV VIEWPOINT

5

Raleigh, N. C.

An Editorial Expression of the Voice of Free Enterprise in Raleigh - Durham

Jesse Helms, Vice President, News, Public Affairs, Programming

It has been a source of no surprise whatsoever that the occasional appearances of Chub Seawell on this station have resulted in widespread approval and delight. Mr. Seawell is at once an erudite philosopher and a straightforward observer of our times. Moreover, he is a firm believer in, and practitioner of, principles that deserve to survive.

It is with much pleasure, then, that we again present Mr. H. F. (Chub) Seawell, Jr., of Carthage--attorney, active church layman, and student of politics and government--as he calls his next case:

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Will Rogers said all he knew was just what he read in the papers. I must read in the papers where my long-time friend, Cousin Terry the Terrible Sanford, our ex-Governor, said that if we would run the schools right we could avoid Federal control. Just as soon as I read that beautiful statement I got out my big record book and put it down under the heading entitled, "Great Minds at Work".

You don't have to be a legal expert from Philadelphia with two bellows in your egghead to figure that one out. I doubt if Cousin Terry knew just how that sounded when he said it. It is the same as saying, "If you will follow Federal controls, you will not have to be controlled by the Federals". In short, if you will do like we tell you to do we will jerk a knot in your neck.

This statement fits right in with the statement of Attorney General Katzenbach who is getting up a force to enforce the proper control of the local schools. Actually, right now our local school boards don't have power to hire a janitor without writing to Washington and consulting the main wheel in our socialistic dictatorship. The main wheel in our dictatorship is the great Department of Health, Education and Welfare. Without this sort of a department, socialistic dictatorship could break down.

This station's editorials are solely the responsibility of the owners and are voiced by our vice president, Mr. Jesse Helms, after an editorial board has agreed upon their contents.

A. J. Fletcher, President, Capitol Broadcasting Company
(Operators of WRAL-TV and WRAL-Radio, Raleigh, N. C.)

I overheard a local school board member say to another one a few days ago, "We can't do that because the government won't let us". It was interesting to hear him say government won't let us instead of saying the LAW won't let us.

The way our dictatorship got started in this country was in this way: First we establish a commission to do certain things. The commission makes the rules, and the rules become the law, and there you have government by men instead of by the law. The rule can be changed overnight. What the law is today is one thing, and it may be something else tomorrow because some man decided he would change the rule. There is an old maxim in the law that says that the law aids the diligent and not the sleeping. We have compromised and slumbered and slept on our legal rights until they are gone, so far as local self-government is concerned.

Our situation reminds me of the man who was trying to hold his bull by a chain. The bull dragged him through a briar patch and finally dumped him in a sand bed in the middle of the road and disappeared through the woods. He got up and shook the dirt off and said! "Let him go". His friend who was with him said, "Go heck, he's done and gone!"

It is nice to have a local school board. They can meet and do just what the Washington dictators tell them to do. It reminds me of the two peeks who fell out with each other but continued to eat at each other's expense. One of them went in and sat at the counter and asked what kind of pie the other one had. He said: "We ain't got nothin' but appley pie, and anybody that don't like appley pie is a low-down sorry scoundrel. What kind of pie do you want?" The other one said, rather meekly, "I'll take appley."

The main reason that we have so much unlawfulness in this country is because the head of the fountain of freedom has become polluted.

Call your next case.

- - - - -

Chub Seawell will discuss highway safety in his next appearance on newpoint. It's a commentary you won't want to miss.

NORTH CAROLINA DEFENDERS of STATES' RIGHTS, Inc.

National Sovereignty, Constitutional Government, Racial Integrity
States' Rights, Individual Liberties, Private Property.

336½ South Salisbury St.

RALEIGH, N. C.

P. O. Box 1613

Dear friends,

September 26, 1962

Greetings! The battle has finally come to a head. Governor Barnett in Mississippi is doing what I have been trying to get a southern Governor to do for five years, that is, stand on the doctrine of interposition and openly defy the federal government in its efforts to force unconstitutional court decisions on racial matters down the throats of the people.

Governor Barnett is making a clearcut case of the issue. He is doing a truly noble job. If he wins out, the issue of racial segregation will be settled in our favor. If he loses, then we are all at the mercy of a power mad federal judiciary and Department of Justice ("Bobby" Kennedy and Jack Kennedy.)

The crucial and critical nature of this issue should be apparent to everyone. If the federal government crams its will and its way onto the people of Mississippi, then the rights of all local self government are finished, for the integration question is only one phase of the issue of constitutional government, and, as General Lowry said some time ago in a talk to the UDC in Tampa, Florida,

"The strategy behind this decree was to establish the precedent that the Federal Government can control the school system, forcing the people to accept this fact and then to move in on all other fields of local control reserved to the States and communities, thereby completely destroying the 10th Amendment. The issue of integration, with all its emotional appeal, was selected to crack open and destroy our constitutional rights. Keep always in mind that INTEGRATION IS ONLY THE FIRST STEP IN A MASTER PLAN TO TAKE AWAY ALL OF OUR FREEDOM AND LIBERTY."

And Judge M. T. Phelps, Senior Justice of the Arizona State Supreme Court says,

"I further charge that the processes followed in reaching the (school integration) decision's conclusion violate all procedure of due process known to American jurisprudence...If the Court is much longer permitted to destroy states' rights by a process of attrition, as it has been doing, we will see Washington clothed with powers so strong that the people will be as helpless to curb its tyranny over them as they are in Russia today."

It is my opinion that our federal courts and the Justice Department, in their efforts to destroy states' rights, are serving the cause of the Communists. Listen to what Judge James C. Davis has to say on the matter:

"The Communists know that the destruction of state lines carries with it the destruction of state sovereignty - that the destruction of state sovereignty and the establishment of centralized bureaucracy means destruction of individual liberty and freedom.

That is why every Communist, every fellow traveller and every well-wisher of Communism supports every movement against state sovereignty and in favor of centralized power. It makes the Communists' objective of taking over our Government easier."

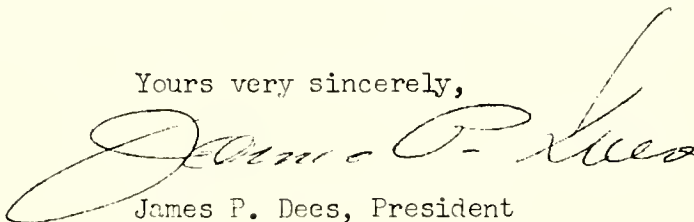
My friends, the final battle has been joined. We have been in a war with small battles and skirmishes up to this point; but now these skirmishes and battles have come to a head in this battle in Mississippi over the question of whether the Constitution, and the States who drew up and acceded to the Constitution, are the ultimate authority for law in this country, or whether the ultimate authority for law rests in judges and the executive branch of our government. If the judges and the executive branch of our government win out, then God help us. We are right where we were in 1640 when the King and the Archbishop sought to rule by divine fiat. If the federal judiciary and the executive branch of our government take the law into their own hands, then they deserve no better than Charles the First and Archbishop Laud got; they had their heads cut off by a people who despised dictators.

My friends, whether the people win this battle or whether the enemy wins this battle DEPENDS ON THE PEOPLE, ON YOU. An aroused people HAVE ALWAYS WON OUT over those who would suppress them and their rights. BUT YOU HAVE GOT TO BECOME AROUSED AND DO SOMETHING. What you must do is LET YOUR VOICES BE HEARD. Write letters and send telegrams, and a lot of them. Write to or send a wire to the President, and to Governor Barnett at Jackson, Mississippi, in particular, and write letters to the newspapers, to your Congressmen and Senators, but especially to the first three mentioned.*

I tell you, the time has come. This is it. If we fall prey to federal tyranny, then we get what we deserve, because we will not have stood up for our Constitutional rights AND FOUGHT. IF WE STAND UP AND FIGHT, WE WILL WIN. The people have always won when they have stood up and fought.

I close with General Lowry's statement, "Keep always in mind that INTEGRATION IS ONLY THE FIRST STEP IN A MASTER PLAN TO TAKE AWAY ALL OF OUR FREEDOM AND LIBERTY."

Yours very sincerely,



James P. Dees, President

* Robert Kennedy should be included.

Senator Luther Hamilton went to extraordinary lengths in the closing hours of the legislature to make sure that his posterity would know that he was opposed to a law making state-owned colleges and universities in North Carolina off-limits for Communists. It remains to be seen, of course, whether the Senator's descendants a generation or so from now will be as proud of Great Grandpa Luther's position in this instance, as he imagines.

Mostly, we suspect, Senator Hamilton was merely irritated at having been outmaneuvered in a parliamentary showdown. He let his temper get the best of him and, sadly, ended up in the curious posture of being in favor of requiring the taxpayers of North Carolina to provide a forum for those who are dedicated to the destruction of America.

Which, of course, goes far beyond the realm of "freedom of speech," not to mention common sense. Fortunately, the vast majority of the members of the General Assembly were aware of this. Moreover, if we are any judge of the public mood, the law banning Communists from our campuses will be greeted by overwhelming approval by the general public.

The News and Observer had one aspect of this whole affair pretty well sized up in its editorial comment of Wednesday. The paper, predictably distressed by the passage of the law, observed that the action amounted to a "vote of

no confidence" in the officials of state-owned colleges and universities. This, we believe, is precisely the case and it should provoke some serious meditation among the officials involved.

No one can say that they did not ask for it. No one can say that they were not given adequate warning of the doubts and fears spreading throughout the state regarding things taking place on our tax-supported campuses. We suspect that from now on, superficial answers from the campuses will not be enough. The people are beginning to understand that there is a difference between academic freedom and academic foolishness.

Surely it is time for all to realize that the Communist campaign for world domination is not merely a game of tinker toys. It was not an idle exercise when orders were sent out from Moscow in 1961 directing Communist agents to infiltrate the college campuses of America, to brainwash fertile and immature minds, to spread confusion and unrest. Just because a Communist plan happens to be out in the open does not mean that it is a mere ineffectual gesture. The Communists are in business, and they mean business.

So, those who regard the law passed by the legislature as "unwarranted" or "unnecessary" or "ill-advised" are simply unaware of obvious dangers. Too many of our college officials have been too unconcerned and too disinterested--almost to the point of arrogance. For example, when the Chapel Hill American Legion Post expressed concern about certain leftist

activities at the University last year, the Legionnaires were impolitely rebuffed and ignored by the two top officials of the University--and by the Governor of North Carolina. Ironically, this occurred within 48 hours after J. Edgar Hoover had issued a nationwide warning about the menace of communist infiltration of college campuses.

It would be easy to pretend that there is no danger, and let it go at that. But the weight of evidence is piling up to the contrary. All around the world communism is using the college campus as a springboard into complacent and helpless societies. Name a continent, and it is happening there. Reports from Latin American campuses provide a chilling measurement of the hazards.

University and college officials are in no position to demand public confidence. They must earn it. They are public servants, paid with tax funds, and therefore answerable to the public. The public has been asking for answers to questions for a great while and, receiving none, has taken action through their elected representatives.

This is what the law passed by the legislature is all about. It was not introduced on a whim, or enacted without demand. Indeed, it simply reflects a growing concern and apprehension throughout the state. The people are demanding assurances that their money and their educational facilities are being used properly, and not abused in the name of "academic freedom."

They want to be certain that academic freedom and academic responsibility are going hand in hand. They are asking for no more than they deserve.

VIEWPOINT #640 - June 27, 1963

Now, Mr. Chairman, I refer again to your letter of invitation of August 13. There you stated: "Specifically, what the Commission wants to know is: (1) Has the Speaker Ban Law injured your institution, or will it probably injure your institution? (2) If so, why?"

I have asked each of our Chancellors to be prepared to answer these specific questions for you.

I trust I do not have to identify biographically each of these persons, it being well known that they are able and conscientious people. Each of them has served his country with distinction in time of war. They are loyal Americans who have been cleared by the proper agencies of the Federal government to deal with top secret materials issued by our agencies of government. I am proud to be associated with them in the administration of the University.

I am pleased to present these persons to you now beginning with Chancellor Paul Sharp.

Statement of

Chancellor Paul F. Sharp

University of North Carolina at Chapel Hill

Mr. Chairman and Members of the Commission:

I am grateful to you for this opportunity to speak on behalf of my faculty and staff colleagues of the University at Chapel Hill. We believe that what is said and what is done before this commission may very well influence the history of the University for the next quarter of a century. In the context of that historical perspective we measure what we say and the judgments we make.

You have asked me to answer two questions:

1. Has the Speaker Ban Law injured your institution, or will it probably injure your institution?
2. If so, why?

I am sorry to report that in my judgment, House Bill 1395 has already damaged the University; its effects are currently injuring the University; and unless the legislation is removed, the damage already suffered is only a tithe of the injury we will sustain.

An immediate outcry of concern from the Chapel Hill campus greeted this legislation. No outside agencies needed to remind this faculty of the dangers inherent in this legislation. Statements by President Friday, by Chancellor Aycock and by the Faculty Council spelled out the reasons for our opposition to this act and predicted the nature of the damage the University

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would likely suffer. News media widely circulated these statements throughout the state and our fellow citizens were fully apprised of the reactions and concerns of the faculty at Chapel Hill.

Subsequent events unfortunately have confirmed these predictions. Faculty morale has suffered, students are restless, administrators are harassed and distracted from essential duties, public controversy mounts, accreditation is threatened, professional organizations refuse to meet on our campus, and we suffer the indignity of unbridled public criticism on the one hand and severe reprimand by our professional colleagues throughout the nation on the other.

Few institutions can perform effectively when morale declines. A university is no exception. Thus when we read changes that the campus swarms with unnamed communists, though FBI reports indicate there is not one single campus communist; when we are told that accreditation does not matter or that we should accredit ourselves in North Carolina, though we know that the judgment of our fellow professionals throughout the nation is the lifeblood of pride and self-esteem and any other accreditation is meaningless; when we are told that it would be good if opponents of the bill would leave, though their departure would

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deprive us of talent carefully recruited and nurtured over a quarter of a century; and above all, when we are told that freedom is served by bans, knowledge is enhanced by silence, and truth is better understood without knowing error; the University community must ask whether the state really accepts these anti-education beliefs and whether the favorable environment within which our scholars and teachers have lived and worked is disappearing in this state.

We have already lost faculty members because of this act and we expect an accelerated attrition if it remains in force. As one faculty member in the School of Medicine wrote in his letter of resignation:

"I am sorely disturbed that in the enlightened state of North Carolina the University has become subject to political whims. In the past the University has derived great strength from its relative independence from outside controls. To see this crumble is a bitter disappointment."

Yet another scientist recently wrote me:

"Over several years I have refused offers from several fine universities. These offers have included advancement in rank and more salary than I receive here. They have offered more laboratory space and departmental funds to supplement my research support. I have remained for two reasons. One reason is the freedom for research and scholarly exploration which I have enjoyed under a Federal Grant that was given this University for my support. The other reason, and in many respects the most important one, is the atmosphere of humane, intellectual and responsible freedom

prevalent on this campus and in this community. It is evident that if present trends are not reversed I must seek a position elsewhere...I am loyal to this school and to this state. I shall do all I can to help, but I cannot endure loss of legitimate freedoms."

Recently as you may have learned through the public press, my colleagues called to my attention their "acute concern about the growing threats to our traditional pattern of free inquiry and increasing political encroachment upon our academic affairs." Three differently worded petitions signed by 281 full time members of the faculty emphasized the injuries they fear through this law.

These statements advised the Chancellor that House Bill 1395 "is hampering the recruitment of new faculty talent, affecting our ability to draw students of great promise from around the nation, and limits us in attracting endowments and other financial support." Many indicated they believed it would be impossible for them to remain on a campus burdened by these restraints on their work. Others indicated that they knew of colleagues who would feel impelled to seek positions on other campuses.

A Chancellor who receives such advice from members of a faculty must be gravely concerned with the future of the institution. Though these petitions circulated for only three days, May 25 to May 28, during the busy final days of the

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semester and no systematic coverage of the entire faculty sentiment was attempted, the numbers and positions of the faculty who signed these statements should give all of us pause.

Of the 281 members who signed these documents, 185 are tenured members of the faculty. Indeed, 14 deans, associate deans and directors; 18 department chairmen; 13 Kenan professors and 4 distinguished alumni professors expressed the depth of their concern over the harmful effects of this act.

Even more impressive is the fact that more than half of the 281 have served the University from 15 to 25 years. Two-thirds of them are in their middle years, at the height of their intellectual powers and carrying the future of the university in their careers. 145 signators are Southerners and 96 of these are native North Carolinians. Of immediate consequence to the health and economic welfare of this state is the fact that 110 of the 281 signers are members of our professional faculties.

No one argues that the University will suffer a sudden or catastrophic loss of faculty members. We will lose them gradually over a period of several years as positions on other campuses look more attractive because of the political environment within which this University must live under House Bill 1395.

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As one professor put it at the time of his departure this

Spring:

"Only a fool would leave if he did not have a far better offer, and I am no fool. However, the tarnished luster of the University has made this difficult decision much easier."

Another distinguished professor and holder of the highest security clearances from the Atomic Energy Commission recently wrote me:

"My work here at U.N.C. is certain to go to pot if something isn't done and that quickly. During the past five ~~years~~ I have managed to get firmly established a method of attack on a problem in physical chemistry which is beginning to pay off in a big way. I'm a little old for this kind of thing, but unless the prospects here become less dim, I must try to move the work elsewhere. I assure you that there is nothing I want to do less, and I am anxious to get to work to avoid the necessity."

Like Mississippi and Alabama, the colleges and universities of the state of North Carolina are increasingly in the national eye as "raidable" institutions. And we are raidable; people who have never seriously entertained outside offers - who, in fact, last year declined them almost automatically - are now considering them seriously, not as a threat but simply because the atmosphere in North Carolina no longer seems to them fully conducive to the kind of work they want to do.

Equally critical is the difficulty we already experience

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in recruiting new faculty members. In an academic marketplace critically short of talent and over-run by burgeoning institutions whose appetite for new faculty members appears insatiable, we suffer in the fierce competition.

For example, in the area of information and computer science, a field vital to the welfare of the entire university and one of the professional foundations on which the success of the Research Triangle must inevitably rest, we suffered severely when a professor at Harvard University declined our offer to accept an appointment at Cornell University. His letter is instructive. It also predicts the shape of things to come under House Bill 1395:

"I decided that the two main attractions at Chapel Hill...the town itself and the program and promise of the department...were not sufficient to overcome the many fears I had of the environment in North Carolina. Even the Christian Science Monitor is carrying stories about the accreditation problems of the University of North Carolina."

Later the chairman of this department sadly wrote:

"The effect of this blow on our program will be substantial. It will clearly delay our Ph.D. program by a year, and make it more difficult to establish. More seriously, it deprives us of the long-term services of an unusually able and conscientious teacher and of an exceedingly promising research scholar. I do not know where to find another teacher and scholar of such promise in our field."

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This testimony is reinforced by the observations of yet another professor who wrote me concerning the same problem:

"I must tell you that the mere threat of such a loss (of accreditation) is already increasing our difficulty in competing with other schools for young men who are interested in endocrinology."

Such incidents cause deep concern. They raise a question vital to the welfare of every citizen of this state:

"Can the University remain competitive for first-class people on the national market?" To be forced to raise such a question weakens the morale of a department, for if it experiences difficulty recruiting able young men, it also will experience difficulty recruiting first-class graduate students. Then the first-class members of the faculty get discouraged and look elsewhere.

A University is tough. It prospers despite our mistakes and it lives above our limitations. It survives our limited financial support and serves us well even when we do not understand its purposes. At only one point, Mr. Chairman, is a university truly vulnerable. Impair its sense of freedom; limit its right to full and open discussion; restrain critical discussion of any issue, however repugnant the ideas or unpopular the spokesman, and we have crippled that spirit without

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which it is no longer a university.

In the larger sense, the issue we will resolve in this state is more than how free is free, or who can speak where, or even who governs and determines policy. The real issue, as we on the faculty see it, is quite simple. Will the University remain free to be a university?

Statement of

Acting Chancellor Bonnie E. Cone

University of North Carolina at Charlotte

Chairman Britt and Members of the Commission:

Speaking for the University of North Carolina at Charlotte, I should like to thank you for the opportunity of discussing with you the questions posed by your chairman: (1) Has the Speaker Ban Law injured our institution, or will it probably injure our institution? (2) If so, why?

As you know, the Charlotte campus has been a member of the University family for approximately three months, and as you might expect, some of the problems experienced by the other three campuses as a result of this law have not yet been experienced by us. The areas in which the Charlotte campus has felt the impact of H. B. 1395 most acutely are in the recruitment of a faculty which will serve an ever increasing student population, in the retention of qualified professors now enthusiastically establishing criteria for their departments, and in the provision of an accredited institution to serve its students.

You have heard of developing countries; well, we have a developing campus. Our purpose is to provide undergraduate programs with standards comparable to those on the existing campuses. As we attempt to build and to gain initial accreditation

as a four-year institution, we are very conscious of the need to employ and retain well-qualified professors who will strengthen and lend distinction to the institution. As we go to the marketplace where there is a dearth of eminent professors, we are fortified with some supplements to state salaries made possible by our Foundation. And we have recruited many of our faculty because they caught a vision of what this University could become. But a vision is not the sturdiest foundation on which to build. Any negative factor makes the problem more difficult as the vision fades and cold reality faces the prospective faculty member.

The Speaker Ban Law is such a negative factor, and it has handicapped us in our recruiting. Since we do not at the present have as much to offer as the other campuses, this added burden is a heavy one. A discussion of this law comes up in practically every interview. During the past year, for every two teachers who accepted a position offered them, a third one rejected the position offered to him. Not all of the applicants stated the specific reason for the refusal of our offer. But one of the strongest candidates, if not the strongest candidate, a Ph.D. in Chemistry from Harvard, gave as the chief reason for declining the offer "the continuance of the Speaker Ban Law."

The law will also make it difficult for us to retain our present faculty, the majority of whom are young enough to move to

other positions. Our faculty in a resolution adopted on January 15, 1964, viewed this legislation as imposing "damaging restraints upon the liberty it is intended to protect." They observed further that "free institutions are not accidents of history but they have been created by efforts of men and women in every past generation, and they must be supported by each generation."

One of our faculty members, to give you an example of the thinking of our people, came to North Carolina from a neighboring state partly because our state was known to be more enlightened in educational matters than his own. Now he is having serious second thoughts, because he sees the Speaker Ban Law as a possible reactionary trend in North Carolina higher education.

Further, I can tell you that the problem of the Speaker Ban Law comes up in countless conversations on campus and that there are indications of a restive spirit among the entire faculty.

To my knowledge this law has not yet caused us to lose any faculty members; they have believed the Legislature would amend or repeal the Speaker Ban Law. If the law remains, there are indications that some of our best qualified professors will be attracted to institutions and states in which this restriction does not exist.

We at the University of North Carolina at Charlotte are

particularly distressed over the possibility of the loss of accreditation. Let me give you the background of our situation:

The Charlotte campus retained the junior college accreditation which Charlotte College had achieved. The institution is now in the process of following the procedure prescribed by the Southern Association of Colleges and Schools for accreditation as a senior college. Because we already have junior college accreditation, we fit a category of institutions which can get early senior college accreditation. With continued improvements, it is expected that the University of North Carolina at Charlotte will be fully accredited in 1967 and that this accreditation will be retro-active to June 1965.

Our students, our alumni, and especially our faculty, have been counting on this major development. Our faculty members have spent untold hours on a self-study which is part of the accrediting process. It would be the supreme irony if at this stage, accreditation as a senior college were placed in jeopardy.

Believing, therefore, that true education requires the student to be able to examine all teaching, believing further that the superiority of the democratic system over totalitarian systems will be self-evident upon examination under free inquiry, we ask that the hindrance of H. B. 1395 to the exercise of traditional academic self-discipline be removed.

Statement of

Acting Chancellor James S. Ferguson

University of North Carolina at Greensboro

Mr. Chairman, Mrs. Swindell, and gentlemen of the Commission:

In speaking of the effects or potential effects of the Speaker Ban Law on the University of North Carolina at Greensboro I shall unavoidably be dealing in part with intangibles - intangibles such as (1) faculty and student morale and (2) standing in the educational world. These terms may be intangible but nevertheless they are realities affecting the health and intellectual vigor of our school as surely as an abstraction like "good will" influences the strength of a business enterprise.

Faculty morale at the University in Greensboro has been adversely affected by the Speaker Ban Law. Our teachers and administrative staff see it as a measure requiring the abandonment of a principle that is fundamental to sound education, namely, dependence in the search for Truth upon free and open investigation with an honest confrontation of all relevant facts. Our people have confidence in the power of Truth to assert itself. As pointed out previously in these hearings, Thomas Jefferson embraced this principle when in his first inaugural address, he spoke of "the safety with which error of opinion may be tolerated where reason is left free to combat it."

Democracy has its soundest and most reliable defense when the individual citizen develops his own inner capacity to cope with error by meeting it with critical judgment. Academicians have little confidence in the long-run effectiveness of growing spoon-fed scholars under the artificial conditions of an intellectual hot house.

This precept is as fundamental to scholars as the Hippocratic Oath is to physicians. To deny educators the right to follow this rule is to reduce their ability to fulfill their obligations to society. It is difficult to teach young people that the American system calls for toleration of dissent when one is engaged in a contrary practice. As the proverb goes, "Your actions speak so loudly I cannot hear what you say." It is important to keep the quest for knowledge unrestrained. I join with my colleagues in asserting that the strongest defense against totalitarian Communism is a free university.

Morale on our campus has been adversely affected by the distrust of educators that is implied in the Speaker Ban Law and by the preemption of the authority of the Board of Trustees that is a practical effect of the measure.

If there were no question of accreditation involved, the conditions just described would affect our standing in the educational world and our effectiveness in recruiting faculty and students. With accreditation in jeopardy the problem is accentuated.

The problem of the Speaker Ban Law comes at a time that is especially crucial for the University at Greensboro. Under the Higher Education Act of 1963 our institution was made coeducational and elevated to full university status. It was charged with the responsibility of expanding enrollment and of developing more graduate and professional programs. By the fall of 1970 plans call for an enrollment of some 7,777 students as compared to last year's 4,249. All of this means that we must strive not only to retain our present faculty, but we must enter national competition to employ additional capable and creative scholars who will help us meet our obligations to the rising generation of young people. Our educational standing will inevitably affect our success in this nationwide recruitment.

Now admittedly up to this point I have been speaking of generalizations and you are interested in specific examples. There has been abundant evidence of faculty and student concern through resolutions and other forms of public expression, through letters addressed specifically to me or to President Friday or to Governor Moore as Chairman of the Board of Trustees. As early as October 22, 1963, in its first business session after the enactment of the Speaker Ban Law, our Faculty Council adopted unanimously a resolution deploring this legislation and asking that it be repealed or modified.

The most widely publicized expression of concern came on June 3, 1965, when 114 of our faculty members (we have 234 full-time teachers) stated in a letter to the Chancellor that if accreditation should be withdrawn, they would be forced in the interest of their professional standing "to seek employment in institutions that are formally accredited and in which such a restriction as the Speaker Ban Law does not exist."

There has been considerable misunderstanding of this letter. A careful reading of it shows that it was no petulant threat to walk out if the 1965 General Assembly did not repeal the Speaker Ban Law. Instead, it expressed the group's considered professional judgment that loss of accreditation would lead to steady deterioration of academic quality thus negating the professional satisfactions of these people in this setting. Signers included persons who have taught on the Greensboro campus for more than three decades.

We have lost some faculty members but in the absence of specific statements to the point and because decisions to move are based on multiple factors, we cannot know to what extent the Speaker Ban Law influenced the thinking of those leaving.

The same statement would apply to persons we have been unable to recruit for our faculty. However, we are in communication with a

scholar of national repute who indicates that he is disposed to accept our offer of a position but is withholding his acceptance until he can see whether the Speaker Ban Law will be modified.

There is little evidence that our enrollment has been affected to this point. However, at the time that initial publicity was given to the jeopardy to our accreditation our Admissions Office received telephone calls from distraught applicants or their parents seeking more complete information about the imminence of disaccreditation, and two weeks ago we received a cancellation of enrollment for one of our former students, her father giving as one reason for her withdrawal "the current atmosphere arising from the so-called 'speaker ban.'"

Student consensus was reflected as early as October 30, 1963, when the Student Legislature on our campus deplored House Bill 1395 and asked that its restrictions be removed. The 1964-1965 Student Legislature reaffirmed the action of its predecessor.

Mr. Chairman and Members of the Commission, these are the evidences of damage of the Speaker Ban Law to the University in Greensboro. Some of them are immediate and some potential. It seems evident, though, that at a time when higher education is supplying the key to technological, professional, and cultural adjustment to the modern age, and there is a dramatic shortage of qualified personnel, North Carolina cannot afford to ignore this threat to the welfare of her educational system.

Statement of
Chancellor John T. Caldwell
North Carolina State University at Raleigh

Mr. Chairman and Members of the Commission:

Personally and professionally I appreciate the opportunity to speak to you on behalf of North Carolina State University at Raleigh on the subject of your Commission's study.

The persistent questions raised by H.B. 1395 are of great and fundamental importance. Opposition to the law which has come so strongly from the academic community needs desperately to be understood by the people of North Carolina.

H. B. 1395 appears to be a good law, one that all Americans - businessmen, parents, taxpayers, Legionnaires, and professors - should join in supporting. It is obvious that the law does enjoy much vocal support. After all, its purpose presumably is to strengthen the security of America against the Communist conspiracy.

So the question of why we oppose the speaker ban law must be dealt with - and forthrightly. The answers can range from the very idealistic to the very practical arguments as to why the law will hurt the University. It is the latter point to which your Chairman has asked us to respond. His question to us is: "Has the speaker ban law injured your institution, or will it probably do so? And, if so, why? "

The importance of the quality of North Carolina State University to the development and prosperity of the State makes the answers important.

The speaker ban law was passed in June 1963. Because of the prompt and

vigorous stand of the University Board of Trustees and others taken in opposition to the law, it has been possible to give both present faculty and prospective faculty members some hope of ultimate relief. Thus the immediate negative effects of the statute on the institution have been somewhat mitigated. On the other hand, during this period of more than two years, the strongly expressed opposition of our Faculty Senate coupled with certain events which have transpired make it clear to us that North Carolina State University will be diminished year by year in the quality of its faculty, and hence in its basic competence and standing, if relief from the speaker ban law is not found. Let me describe one event which has already been well publicized.

One of the world's recognized scientists, a biologist-mathematician-statistician, Professor J. B. S. Haldane, had been invited to speak on our campus and had accepted. Because we knew of his editorial association with the Communist Daily Worker in London during the 1940's, the passage of H.B. 1395 compelled us to inquire of him as to his eligibility to speak here. He had been invited because of his scientific knowledge and not because of his political leanings or orientation. His reply was an indignant refusal to answer our question as to membership in the Communist Party. He then substituted lectures at two other leading American universities for the dates we had to give up.

At a scientific meeting in Geneva held a few weeks later Dr. Haldane stated unequivocally to one of our representatives that he was not and never had been a member of the Communist Party. But this is now beside the point. This man has already passed away, and an opportunity for students and faculty is no

more. We have no way of knowing how widespread became the knowledge that North Carolina doesn't care if its University campuses miss the opportunity to hear an internationally famed scientist.

It might be easy for some to say "good riddance." It might be easy for some to say that we should not be embarrassed. It might be easy to argue that our students and faculty are now no worse off than the thousands of others in the world who may not have had the privilege of coming into contact with one of the world's superior scientific minds. But it is not that easy. We were embarrassed for our University and our State.

Let me describe a second situation. The National Academy of Sciences, following policies of the United States Government and at the request of our Government, arranges exchanges of scientists between this country and Soviet Russia. We are periodically invited to nominate scientists from our own campus who might be sent to Russia to lecture and work with their scientists for several months. But we are advised by the National Academy of Sciences, if we submit nominations, to be prepared to be hosts to Russian scientists who are sent in the exchange to this country. Consequently we do not nominate professors from North Carolina State University for this experience although their participation might add much to their own knowledge of their scientific fields and of Russia and therefore to the total pool of knowledge in this region.

On September 30, 1963, the head of our Department of Applied Mathematics wrote me for guidance. His letter reads:

"Dr. McDonald and I have been asked by Dr. A. H. Church, Visiting Professor in the College of Engineering at Duke University, to cooperate with that institution in a visit by a Soviet Scientist. Dr. V. V. Sokolovskiy is a member of the Academy of Sciences of the USSR and is an authority in elasticity, plasticity, soil mechanics, and applied mathematics in general. The National Academy of Sciences has arranged for him to visit and to give seminar lectures at Brown, M.I.T., Harvard, Duke, Stanford, University of California at Berkeley, UCLA, and New York University. Is there any reason why he should not visit this campus to meet only with a few faculty members for a discussion restricted entirely to technical questions in science and engineering? "

I responded as follows:

"My answer to you is that you are permitted to cooperate with Duke University in having the Doctor Sokolovskiy visit this campus for the purposes which you have indicated. In attempting to comply with the statutory restriction under which we are now operating, I must admonish you against any public invitation to the students and faculty to attend any meeting with the visitor. Your guest list should include without any question whatever faculty members ^(etc.) may have an interest in meeting him and exchanging ideas in their fields with this gentleman. You have my permission to do so. I deeply regret that this man's knowledge cannot also be made available to our advanced undergraduate students and graduate students who have an interest in his field."

Is it any wonder that our Faculty Senate has unanimously viewed this legislation as a "dangerous precedent" and "with genuine alarm"!

Now, again, why are our scholars embarrassed by this law and why do they so earnestly desire its repeal? Is it because they are weak-minded, "soft

on Communism, " living in the clouds? Of course not. Are they strangers to North Carolina? Indeed not. Some of the strongest expressions of feeling have come from members of our faculty who were born on the farms and in the towns of this State and were educated here. Their roots in North Carolina are deep and their devotion real. They and others of our faculty have served their country magnificently in its wars and stand ready to do so again.

Then what is it that needs to be comprehended about these teachers and their deans and chancellors and presidents? Are there sound reasons entirely patriotic which the "man on the street," if he understood them, could accept as sufficient explanation of why the University would be hurt and therefore why H.B. 1395 ought to be removed?

Mr. Chairman, I shall try to state these reasons in as clear a form as I know how. We simply do not wish to be left in a position of having to inquire into the political membership or past actions of prospective speakers or of being required to exclude any prescribed category of speaker, for this requirement and procedure deprives the University and deprives the people of North Carolina of the privilege of operating in the confident sunshine of a great and free nation, the United States of America, and instead compels us to adopt the cloudy, repressive attitudes and procedures of a fearful, totalitarian society.

Passage of the law was undoubtedly pointed toward protecting North Carolina college youth from the subversive arguments of Communism, a laudable motive. But it has the side effect - intentional or not - of indicating on the part of the

legislature a lack of faith in the processes of free speech, a lack of appreciation of the stability and good sense of the students in our colleges, and a distrust of the motivations and judgment of trustees and officers of public higher education in our State.

Already the existence of this restrictive law is common knowledge in the world's community of scholars who ask "what's wrong with North Carolina."

This is what hurts our University. This is what is offensive to us.

We are not just educators and professors urging respect for an ancient privilege of "academic freedom," which many citizens say arrogantly they are "sick of hearing about." We are not only academicians. We are Americans, proud of our country, proud of the freedoms which have made it "the last best hope of earth." The nature of our very profession requires intellectual freedom and hence makes us peculiarly attentive to this principle of liberty our nation has cherished. Because our commitment to liberty is so clear, let every other American and North Carolinian value and respect our outspoken determination to fight for it. Do not require us, we beg, to arrange curtains to try to protect the elemental strength of truth against some alien wind. Are the fundamentals of our nation so feeble? Are our principles so flimsy? Are our achievements so obscure? And if one type of breeze is peculiarly dangerous to us at one time and place, may not one from another direction be so at another time? And then another? Will more curtains and walls be added? How thick and how high? And to what end?

Mr. Chairman, still another concern is on our hearts and minds.

The world including us is faced with the capacity for human annihilation. Confronted with this capability, only imprudent and woefully insecure people build walls to obstruct understanding. If we are interested truly in the very survival of man in all his glorious potential, then we most surely should be finding ways to tear down walls, not add new ones.

Because the academician believes in a free America and is not careless with freedom, because the academician places his confidence in this nation and feels the nation is threatened when its principles are violated for whatever apparent logic, you can expect that the more sensitive, frequently the ablest of this country's scholars, will shy away from a fearful, restrictive environment of curtains and walls. This is why H.B. 1395 has initiated a slow but sure deterioration in the personnel, in the spirit, the scholarship and ultimately the standing and reputation of your University and with it will diminish the outstanding reputation of the State of North Carolina.

We are supposed to know what is required to build and maintain a university of first rank and what will hurt it. If the proponents of the speaker ban law think we are too theoretical in our arguments, too "academic," if you please, then let it be known that this theory and this position we hold are founded squarely in a confident "one hundred percent Americanism," an Americanism which despises Communist totalitarianism or any other kind, an Americanism which respects the intelligence of man with which we deal, respects the patriotism and honest minds

of our students with which we deal, and respects the sure strength of truth against the spurious falsehoods that will always challenge it.

Our love of country, Mr. Chairman, is matched by our confidence in all the basic principles which have made it great and without which its place in history might have no further meaning.

Mr. Chairman, this concludes our presentation. We have endeavored to present the policies of the University that have a bearing on the Speaker Bill, to show that the Board of Trustees is diligent, fully informed and active in the management of the University, and that the best means we have of combating the Communist conspiracy is by being a strong and free University.

We thank you for your patience and courtesy.

